## APPENDIX A

*Arkansas:* Amish depart for British Honduras, due to concerns respecting religion in education. *See,* N. Y. Times, Dec. 25, 1966, 17.

*Indiana:* Following controversy over the education question, the State Department of Education entered into an agreement with Amish leaders providing for "vocational project" education (mainly agricultural) from the eighth grade until age 16. *See,* Articles of Agreement Regarding the Indiana Amish Parochial Schools and the Department of Public Instruction (Indiana Department of Public Instruction, Aug. 22, 1967).

*Iowa:* 1962: Eight Amish fathers given jail sentence for refusal to send children to schools staffed by state-approved teachers. *See,* CHRISTIAN CENTURY, Feb. 6, 1963, 186; followed by suit by county school superintendent against Amish parents to close Amish schools. Injunction denied but parents' status under compulsory attendance law left open. *Jorgensen* v. *Borntrager,* No. 22904, District Court, Buchanan Cy., Iowa (Dec. 20, 1962). 1963: Buchanan Cy. District Court rules that Amish children may not be exempted from attending schools taught by state-certified teachers. *See* A. P. dispatch, Phila. Inquirer, Aug. 28, 1964. 1965: Amish parents warned by authorities that state would sell confiscated farm produce and animals at auction for refusal to send children to public schools. Amish children at Hazelton pursued in cornfield by school officials and forced into public school. *See,* N. Y. Times, Nov. 23, 1965. 1967: Amish resistance continues. Gov. Harold Hughes proposes that legislature create two-year (annually renewable thereafter) exemption for religious groups established in Iowa for past ten years, whose basic beliefs conflict with state school requirements. Legislation adopted. *See,* N. Y. Times, July 8, 1967, 16; Iowa Code, § 229.2 (1967).

*Kansas:* In 1965 Kansas changed its compulsory attendance law so as to require, for the first time, formal educa-

tion up to age 16. A criminal prosecution was instituted against an Amish parent for refusing to send his daughter, who had completed the eighth grade but was under sixteen, to a public high school. The parent was convicted and fined, the conviction being upheld by the Supreme Court of Kansas. *State* v. *Garber,* 197 Kan. 567 (1966), *cert. den.,* 389 U.S. 51 (1967). In 1968 the attendance law was amended to provide an alternative to "regular public high school" for those groups with "religious objections". KAN. STAT. ANN. § 72-1111 (1968).

*Kentucky:* Four Amish fathers were prosecuted in Elkton for their violation (due to religious beliefs) of the state compulsory attendance laws. *See,* Todd County (Ky.) Standard, Nov. 16, 1967.

*Michigan:* Michigan's attempts to enforce its attendance laws upon Amish parents resulted in about one-half the Amish population leaving the state. After several exemptive bills (including one backed by Gov. Romney) failed of passage, the Michigan State Board of Education unanimously approved a resolution creating temporary exemption. *See,* Michigan Education News, Dec. 9, 1966. No definitive solution exists in this state.

*Ohio:* Since 1921 Amish parents have been arrested for failure to have their children in approved high schools, with penalties ranging from fines and jailings to deprivation of custody of children. Some of the prosecutions were frankly acknowledged to have been instituted because of prospective loss of state aid. *See,* Daily Record (Wooster), Dec. 19, 1960, and AMISH SECTARIAN EDUCATION, Research Report No. 44, Ohio Legislative Service Commission. (1960).

*Pennsylvania:* In 1937 the Amish petitioned the Commonwealth to have their children freed, on religious grounds, from compulsory school attendance beyond grade school. The school laws were amended accordingly in 1939, so that a child of at least fourteen years of age, having completed the highest grade of elementary school in his district could

receive a farm work permit if his reason was approved by the Superintendent of Public Instruction. Act No. 352 of 1939, P.L. 786, Sec. 1416. The attendance problem appeared settled until the fall of 1950, when, out of more than sixty applications sent by residents of Lancaster County, only one work permit was granted. Arrests and jailings followed upon the refusal of Amish parents to send their children to high school. See, [Lancaster] Intelligencer Journal, Sept. 27, 1950; *see, generally,* KRAYBILL, THE AMISH AND THE SCHOOLS OF PENNSYLVANIA (Eastern Mennonite College, 1970). In the successive prosecutions, some Amish parents were arrested as many as ten times. HOSTETLER, AMISH SOCIETY, 198 (Johns Hopkins Press, 1968). The Superior Court of Pennsylvania, in 1951, denied the claim of defendant Amish parents that enforced high school attendance violated the free exercise of their religion. *Commonwealth* v. *Beiler,* 168 Pa. Super. 462 (1951). After further confrontations, with the aid of Governor George Leader, an accommodation was administratively worked out, whereby Amish children of high school age would be permitted to perform farm and household duties under parental guidance in so-called "vocational schools" within the Amish community. *See,* Policy for Operation of Home and Farm Projects in Church-Organized Day Schools (Department of Public Instruction, Commonwealth of Pennsylvania, Oct. 5, 1955). This arrangement—purely administrative—has settled the problem in Pennsylvania down to the present.

*Virginia:* In 1970, eleven Old Order Mennonite parents, in the area of Dayton, applied for exemption of their high school children under a state statute providing for exemption from attendance "for reasons of conscience". VIR. STATS. ANNO. § 22-275.4. Criminal complaint was brought against the parents and, following trial in the County Court of Rockingham County, they were found guilty and a fine of five dollars a day imposed. Upon appeal and trial *de novo* in the Circuit Court of Rockingham County, the judgment

was reversed, upon statutory, but not constitutional, grounds. *Commonwealth of Virginia* v. *Wenger, et. al.*, (Cir. Ct. Rockingham County, Nov. 11, 1970). In December, 1970, the Rockingham County School Board stated that the board would probably be "faced with it [compulsory attendance of Old Order Mennonite high school children] all over again next fall." News-Record (Harrisonburg, Va.) Dec. 9, 1970.

*Wisconsin:* The prosecution of Amish parents in Wisconsin is amply set forth in this Memorandum.